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Held at Headquarters, New York,
on Wednesday, 21 January 1998, at 10.15 a.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 10.30 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Croatia (CEDAW/C/CRO/1)

1. At the invitation of the Chairperson, Ms. Babić, Ms. Bortek-Knesaurek, Ms. Hrabrić, Ms. Karajković, Ms. Musulin and Ms. Simonović (Croatia) took places at the Committee table.

2. Ms. BABIĆ said that, since January 1995, when Croatia had submitted both its initial report and a special report on problems faced by women during the war in that country, a number of measures had been taken to harmonize the existing legislative framework with the Constitution and the international instruments to which Croatia was a party, including the Convention on the Elimination of All Forms of Discrimination against Women and Conventions 100 and 111 of the International Labour Organization (ILO). Efforts had also been made to promote gender equality in practice through cooperation with non-governmental organizations, the establishment of a national mechanism for the promotion of equality and the adoption of special measures to empower women in society.

3. Owing to the extraordinary circumstances prevailing in Croatia at the time the initial report had been submitted, the advancement of women had not been a priority. The establishment of peace had created the conditions for the functioning of civil society and the organized activities of women in areas where they were under-represented. The current period of transition was conducive to progress towards achieving gender equality and the advancement of women, and efforts must be made to increase awareness of equality in traditionally male-dominated areas In that regard, the Government was focusing on cooperation with non-governmental organizations concerned with the advancement of women.

4. Pursuant to the Fourth World Conference on Women, the Government had designated the Ministry of Labour and Social Welfare to act as the umbrella body for coordinating all activities related to implementation of the Beijing Platform for Action, the advancement of women, cooperation with other States and non-governmental organizations and preparation of a proposal on ways of attaining full gender equality. To that end, the Ministry had established the Commission for Equality, which was chaired by the Deputy Prime Minister and included representatives of all government ministries. The Commission, which had begun its activities in May 1996, had concluded that Croatia lacked a comprehensive policy for mainstreaming the gender perspective into society and, after consultations with women's non-governmental organizations, had drafted a National Policy for the Promotion of Equality, which had been adopted by the Government in December 1997. The National Policy had identified a number of crucial areas on which it would focus its activities: political decision-making, the economy and the economic situation of women, health care, education, and the human rights of women and the violation of those rights in times of war and in peacetime. The National Policy called for a review of Croatian

legislation, since previous legislative changes had not taken the gender perspective into account.

5. Ms. KARAJKOVIĆ (Croatia) said that, under the Croatian Constitution, human rights and freedoms were protected by the courts and other competent authorities, which administered justice on the basis of the Constitution and the law. The right of appeal was guaranteed except in cases where other forms of judicial protection were provided. The judiciary was autonomous and independent, and the Supreme Court ensured uniform application of legislation and the equality of citizens, while an ombudsman protected the constitutional and legal rights of citizens against maladministration by administrative agencies and other bodies vested with public powers. Men and women had the same rights in legal and administrative proceedings. In cases where the Constitution granted women special legal rights, the relevant legislation established penalties for violations of those rights. The Croatian Criminal Law of 1977 provided for the protection of women's sexual and physical integrity. A new criminal code had been adopted on 1 January 1998.

6. Between 1996 and 1997, there had been an increase in physical and sexual violence against women. Only 50 per cent of those accused of acts of violence against women had been charged. Those trends had led the Government to adopt a gender perspective and implement the State policy on gender equality. The new criminal code established penalties for gender discrimination. Under the code, both men and women could be victims or perpetrators of rape, sexual intercourse with a helpless person or sexual intercourse through the abuse of office. A major achievement of the new code was the criminalization of spousal rape. The 1977 Law's prohibition of illegal termination of pregnancy had been maintained. Procurement and prostitution were classified as misdemeanours. A person who facilitated or promoted prostitution was subject to a prison sentence of up to one year, while anyone who forced another person to engage in prostitution was subject to up to three years' imprisonment. The new code also introduced the offence of trafficking in women across State borders for the purpose of prostitution.

7. Although the low rate of prosecution of sexual offenders might suggest that women were under-represented in the judiciary, that was not the case. Between 1994 and 1997, the percentage of women municipal court judges had risen from 55.33 per cent to 61.99 per cent and the percentage of women county court judges had increased from 33.60 per cent to 36.71 per cent. While there had been little change in the percentage of women judges in the higher courts, the number of women on the Supreme Court had risen from 6 to 10. There had also been a substantial increase in the number of women lawyers.

8. Ms. BORTEK-KNESAUREK (Croatia) said that Croatia's Constitution and legislation granted women certain privileges because of their special reproductive role. Such legislation was not discriminatory but was intended to provide women with better conditions than men in order to place the two sexes on an equal footing. Men's rights were also recognized under Croatian law. Parents, regardless of their marital status, were jointly responsible for raising and educating their children. In cases of divorce, annulment or separation, either parent could be granted custody of the children but parental responsibility was shared.

9. The right to work was guaranteed by the Constitution and confirmed by labour legislation, which prohibited all forms of discrimination, including discrimination on the basis of sex. Women could not be employed in certain jobs involving predominantly physical labour, or work underground or in water. Legislation also prohibited women from working at night in industry, except in family-owned businesses. Those regulations did not apply to the health-care and certain technical sectors. Waivers could also be granted by the competent body or through negotiations with trade unions.

10. Under Croatia's current labour legislation, pregnant or nursing women whose jobs involved strenuous work could be temporarily transferred to a more appropriate job, while retaining the salary for the work they had performed prior to the transfer, if that salary had been more remunerative. The protection of maternity was one of the basic principles of the Constitution of Croatia. Article 47 of the Labour Relations Act provided for obligatory maternity leave during pregnancy, childbirth and care for the child. The father of a child was entitled to use additional maternity leave instead of the mother if he had primary responsibility for the care of the child, and provided that the mother worked full time. The parents of disabled children were granted special rights, including the right to maternity leave and part-time work until the child was seven years old. The rights in question were exercised by both parents in acknowledgement of their joint responsibility for child-rearing. Parents of adopted children enjoyed the same rights as biological parents. Maternity leave, the part-time work of parents or adoptive parents, and post-adoption leave were treated as full-time work and included in the years of service for pension and insurance purposes.

11. Ms. HRABRIĆ (Croatia) said that, since the preparation of Croatia's initial report, there had been a number of minor changes in health-care legislation, including the introduction of a new method of calculating compensation for women on leave from their jobs. In 1996, the birth rate in Croatia had risen to 12 live births per thousand, exceeding its pre-war level, while infant mortality rates had fallen to their lowest levels ever. The leading causes of mortality among women were circulatory disease and breast, stomach and lung cancer.

12. Current legislation set out the rights and duties of citizens in the prevention of conception and the termination of unwanted pregnancies. In order to enable Croatian citizens, especially women, to exercise their right to family planning, guidance centres had been established as part of the health-care and social welfare services. Pregnancies could be terminated at a woman's request within 10 weeks of conception. Abortions could be performed in hospitals with gynaecological and obstetrics wards or in any other medical institution authorized by the Ministry of Health. In 1996, 25,200 legal abortions had been performed.

13. Ms. SIMONOVIĆ (Croatia) said that, on the recommendation of the Croatian Commission for Equality, the Government had undertaken a number of measures to implement the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action. All ministries and other bodies were required to implement those measures. In addition to implementing and coordinating national policy, the Commission was taking measures to strengthen cooperation with non-governmental organizations active in the field

of women's issues. Other initiatives of the Commission included the organization of panel discussions on women in public life, a research project on women victims of war, and various projects in cooperation with non-governmental organizations to assist women refugees and displaced persons. In the area of legislation, the Commission was responsible for reviewing the current situation of women and promoting the implementation of specific objectives of the Platform for Action within fixed time-frames. It was also responsible for reviewing proposed legislation that could have an impact on the status of women. The Constitution of Croatia provided that international instruments, including the Convention, that had been ratified by Croatia took precedence over domestic legislation, which needed to be brought into line with the provisions of those instruments.

14. The ombudsman had to provide special protection for women victims of discrimination within one year; State bodies were obliged to include in their advertisements for vacant posts an invitation for women to apply; they also had to provide gender-disaggregated statistics. In 1998, the Commission on Equality would publish brochures on the Beijing Platform for Action and Croatia's national policy on equality. The Ministry of Education and Sport was responsible for drafting legislation, in cooperation with trade unions and employers' associations, to ensure equal representation of women in executive positions. The Ministry was also drafting guidelines on appropriate use of language with a view to eliminating gender stereotypes. Within three years, the relevant State bodies would amend maternity laws in order to encourage men to exercise their parental rights. The Ministry of Labour and Social Welfare was planning to organize, in cooperation with non-governmental organizations, programmes for women victims of violence.

15. In 1998, the Commission for Equality, in cooperation with political parties, non-governmental organizations and the Council of Europe, would hold discussions on the participation of women in political life. The Government and all ministries were obliged to pay special attention to the equal representation of men and women when making appointments to international delegations.

16. Within one year, teachers would receive human rights training that stressed non-discrimination and gender equality. Within two years, special programmes on equality would be organized for civil servants. Labour and safety inspectors had been instructed to pay special attention to the principle of equal pay for equal work. By the end of 1998, the Ministry of Labour and Social Welfare would begin providing women with free counselling once a month on legal questions relating to employment and, in cooperation with trade unions, would publish information on those questions.

17. Measures were being taken to educate the population about AIDS through the media, the publication of brochures and special instruction in schools. In 1998, a European school network for promoting health would be initiated in cooperation with the United Nations Children's Fund (UNICEF) and, in 1999, a programme entitled "The reproductive health of female students" would be included in the curricula of all Croatian universities. All women entrepreneurs who fulfilled the necessary conditions would be recommended for loans on favourable terms and would also have access to advisory services.

18. Ms. ACAR commended the Croatian Government's efforts to cooperate with civil society and non-governmental organizations in matters relating to gender equality and discrimination. She wished to know why women did not make full use of their rights guaranteed by law, particularly their right to participate in the country's political life. She enquired whether there were any educational programmes or media campaigns to combat traditional patriarchal attitudes and gender stereotypes. While measures to protect mothers improved the situation of women and were in keeping with the principles of the Convention, they could also lead to discrimination and failure to comply with the gender perspective. She requested information on matters of fundamental importance to women, such as violence, political participation, health, employment, marriage and the family and women refugees. Such information should be provided for each ethnic group and religious community.

19. Ms. FERRER said that, according to the report, women were solely responsible for their low level of participation in public life, and enquired whether that was in fact the general belief or whether the advancement of women was a process that involved the entire population, in which case society needed to be sensitized to women's needs. She wished to know how the electoral system in Croatia worked. Information should be provided on the level of participation of women in the electoral process and the number of women in positions of leadership in political parties. She also wished to know how many women candidates stood for election and how many were elected, and whether they could stand for election as independent candidates. Information should be provided on the protection available to women belonging to ethnic minorities and to women refugees and displaced women.

20. She wished to know what percentage of the population lived below the poverty line and what percentage of that population was women. She enquired whether there were any special programmes for incorporating women into the labour force, and whether there were any social assistance programmes. Additional information should be provided on the effect of Croatia's difficult financial situation on its educational system.

21. Ms. OUEDRAOGO requested information on the status of the Commission for Equality, and the financial and technical resources at its disposal. She wished to know whether there was an overall policy for the advancement of women. Lastly, she enquired about women's social mobility and about women's organizations and movements, since the best defenders of women were women themselves.

22. Ms. HARTONO said that she had been pleased to learn that Croatia's general policies and legislation were in keeping with the provisions of the Convention, and that the Convention enjoyed a legal status higher than Croatia's domestic legislation. She hoped that Croatia's national policy on equality and its Commission for Equality would become national machinery. Croatia's initial report had stressed the role of women as mothers and the elaborate social security system to protect mothers; however, she wished to know how other aspects of women's lives and other categories of women, such as single women, were protected.

Article 2

23. Ms. ABAKA said that the incorporation of the provisions of the Convention into Croatian legislation was a commendable development. From information provided by non-governmental organizations, the Committee had learned that in 1992 the Croatian Government had apparently launched a programme for demographic and spiritual renewal. The reporting State should confirm whether that information was true and, if so, what the objectives of the programme were.

24. Ms. FERRER, referring to paragraph 10 of the report, noted the existence of a number of conditions for the implementation of the Convention. The Committee would welcome information on any steps that were being taken to ensure that those conditions were being fulfilled. The reporting State should clarify whether non-discriminatory laws and regulations were being applied to a greater extent.

25. Ms. RYEL asked for a definition of the term "mothers" as used in paragraph 6 of the report, since "mothers" could refer equally to pregnant women or women with grown-up children. She was concerned that a provision specifying "mothers" might disbar women with adult children from obtaining certain types of work if employers believed that such women were entitled to special protection.

26. In any national machinery it was important to stress the gender perspective, otherwise women's rights would be ignored in the wider context of all human rights. In that connection, she was concerned that the ombudsman mentioned in paragraph 7 of the report had too broad a mandate.

27. Ms. CORTI said that, in several of its provisions, the Croatian Constitution referred solely to "man and the citizen". She wondered whether that linguistic infelicity was simply the result of the way nouns were marked for gender in the Croatian language.

Article 3

28. Ms. RYEL said that the report contained very little information on disabled women or any mechanism to ensure that such women enjoyed equal opportunities.

29. Ms. CORTI said that the establishment of the Commission for Equality had been a positive development, but she was concerned that it was composed entirely of representatives of ministries. It would be useful to learn how the Commission incorporated the views of civil society into its proceedings. She wished to know whether or not the Croatian Government intended to establish some kind of machinery to deal with labour issues affecting women or a mechanism for dealing with all aspects of gender equality. The Committee would also appreciate additional information on the Commission's role in advancing women to key decision-making posts. In general, there was a need for greater detail on what the Commission had actually achieved and whether it was following a programme of work that took account of the need to abolish stereotypes and mobilize civil society.

Article 4

30. Ms. ACAR asked how long the special measures designed to provide employment benefits to women with more than four children had been in effect, and how many women had benefited from those measures. Additional information on the educational, social and economic profile of such women would be very useful.

Article 5

31. Ms. CORTI asked whether domestic violence was considered a crime against an individual or against morality. The reporting State should be more specific about the relationship between the courts and female victims of domestic violence; it should indicate whether women were required to prosecute in person or whether they could be represented by an organization. During the trial stage, it was unclear whether a woman was obliged to continue living with the perpetrator of the violence, or whether her departure from her place of residence would entail sanctions of some kind.

32. Ms. ACAR said that, in accordance with information she had received from non-governmental organizations, legislation was being drafted which would make violence within the family a private matter; in other words, proceedings could only be initiated at the request of the injured party rather than through a public attorney. It would be interesting to know whether the new legislation made any provision for restraining orders. The Committee also wished to know whether the Commission for Equality had carried out any programmes to make law-enforcement personnel more aware of the issue of domestic violence.

33. Ms. AOUIJ said that, while Croatian women had been given the tools to surmount legal obstacles to equality, their situation could not be improved simply by amending the law. Attitudes could not be changed overnight. In that connection, she wished to know whether the Commission for Equality had established a special unit to deal with discriminatory and stereotyped images of women in the media and, if so, what authority it exercised. The State party's representatives should be more specific about how the principle of equality was taught in schools.

34. She noted that, according to paragraph 15 of the report, courts had the power to allow the marriage of persons who had reached 16 years of age, and she enquired whether a court's decision to do so conferred legal and civil majority on such persons.

35. Regarding the issue of sexual harassment, the reporting State should indicate whether different penalties applied depending on the sex of the perpetrator. She was also concerned that prevention and deterrence of sexual harassment had been downplayed, and that not enough weight had been given to the concept of aggravating circumstances.

36. Ms. RYEL said that, as far as she was aware, Croatian law considered rape within marriage to be a crime. She noted that the victim was obliged to bring private charges if she wished to take the matter to court. However, it was far more difficult for women to deal with marital rape if they had to continue living with the perpetrator. The Committee would therefore be grateful for

statistics on women's shelters and crisis telephones. Information should also be made available on plans to provide free legal aid to victims of marital rape. Marital rape was also connected with the question of sexual intercourse through abuse of office, and the reporting State should clarify whether that crime included incest; if it did, she wondered why the stipulated prison term was much shorter than that for rape.

The meeting rose at 12.50 p.m.